

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALVIN G. PATTERSON, JR.,)
Petitioner,)
vs.) Case No. 4:06CV489 CDP
JAY NIXON, et al.,)
Respondents.)

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by petitioner Alvin G. Patterson, Jr. The Court referred this matter to United States Magistrate Judge Lewis M. Blanton for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 10, 2009, Judge Blanton filed his recommendation that petitioner's habeas petition should be denied. Petitioner did not object to the Report and Recommendation, and his time for doing so has now expired.

After careful consideration, I will adopt and sustain Judge Blanton's Report and Recommendation in its entirety. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See

Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.

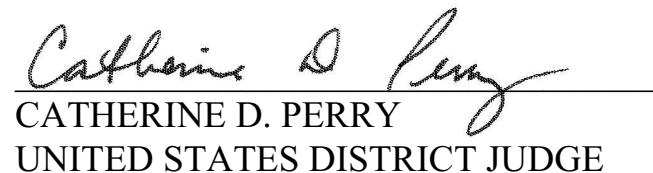
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on February 10, 2009 [#16] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Alvin G. Patterson, Jr.'s Petition for Writ of Habeas Corpus [#2] is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of March, 2009.